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September 24, 2014

Via ECF

Hon. Roanne L. Mann
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Tiwona Joseph v. Detective Samuel Lallave, et al.,
13-cv-7051 (KAM)(RLM)

Dear Judge Mann:

I represent defendants in this matter. I am writing in response to plaintiff's motion to compel, dated September 19, 2014, seeking production of labeled photographs. Per the Court's Order, dated September 12, 2014, defendants produced, on September 19, color photographs of the police officers on scene during plaintiff's arrest in this matter. Specifically, defendants produced five separate pages, with each page containing a single photograph of one of the five officers on scene during plaintiff's arrest. These photographs did not include labels underneath with the individual officers' names.

Plaintiff's September 19 motion seeks to compel photographs with names. Plaintiff contends that production of the unlabeled photos amount to a photo array. Defendants disagree with this contention given that the photos were not produced with any "fillers", but, instead, a single photograph of each officer on scene was provided. While defendants contend that the cases cited in plaintiff's motion do not support the argument that providing individual, unlabeled photographs without any fillers amounts to a photo array, defendants will nevertheless agree to produce labeled photographs, which include the names of the officers. The labeled photographs will be provided no later than Friday, September 26. Accordingly, plaintiff's September 19th motion is moot.

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I thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Ben Kuruvilla

Ben Kuruvilla

Enclosure

cc: Baree N. Fett, Esq. (ECF)
Attorneys for Plaintiff